

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M.R. Bauer

Art Unit: 3627

Application No.: 09/556,647
Confirmation No: 7493

Examiner: Fischer, A.

Filed: 04/24/2000

Title: Material Browser

RECEIVED
CENTRAL FAX CENTER**JUN 08 2004****OFFICIAL****COMMENTS ON PETITION DECISION DATED 4/28/04**MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The decision on petition dated 4/28/04 appears non-responsive to the petition filed on 12/19/2003.

At page 2 of the decision, the Director finds that "... applicant has not pointed to any portion of the specification that shows specifically what structure is used to store the list of raw materials in the computer...."

However, the petition at page 4 expressly states that:

Claim 22 initially recites means 104,106,112 [page 5, ll. 39+] for storing [page 6, ll. 8+] in a computer system 100 [page 5, ll. 29+] a list of different raw materials 306 [page 4, line 5; page 5, line 10; and page 9, ll. 22+], with each of the raw materials having various customer application criteria 304 stored therewith [page 3, ll. 17+; page 5, ll. 3+; page 9, ll. 22+], and the criteria being indicative of intended application of the raw material in a product [page 1, ll. 18+ & 28+; page 2, ll. 2+ & 8+; and page 11, ll. 1+].

Similarly, the petition additionally specifies "exactly what structure" is used for each of the additional means-for elements recited in claim 22.

It is therefore not understood why the Director has failed to afford any weight to this express support in the specification,

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this **2-PAGE** correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-872-9306 on the transmission date indicated below.

FRANCIS L. CONTE

(Name of person transmitting paper)

(Signature of person transmitting paper)

8 JUN 2004

(Date)

nor why the Director has not even recognized this expressly provided support, and then challenged the sufficiency thereof.

However, since the basis for the objection to claim 22 as found in para. 4 of the 10/22/03 final office action is substantively the same as the basis for the rejection of claim 22 under Section 112 as presented in para. 6.b., it would appear that this issue is now within the jurisdiction of the Board of Appeals, and applicant will now await their decision, without acquiescing in the decision on petition.

The Director has indicated that "applicant must make the necessary amendments to the specification," which will now await the decision by the Board of Appeals to determine what amendments, if any, will be deemed necessary following the decision by the Board of Appeals.


Applicant therefore reserves the right to make any necessary amendments to the specification following the decision on appeal.

Regarding the objection to the drawings, the petition traversed the need ab initio to amend the drawings.

Although the Director indicated that the proposed corrections were acceptable but inadvertently omitted from the multiple office actions, the traverse was not addressed by either the examiner or the Director, and therefore the drawing objection remains unsubstantiated.

However, in order to reduce issues, the drawing amendment will be filed, without prejudice.

Respectfully submitted,



Francis L. Conte, Attorney
Registration No. 29,630

Date: 8 JUN 2004

6 Puritan Avenue
Swampscott, MA 01907
Tel: 781-592-9077
Fax: 781-592-4618